110TH CONGRESS 2D SESSION

S. 2565

AN ACT

To establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

2	This Act may be cited as the "Law Enforcement Con-
3	gressional Badge of Bravery Act of 2008".
4	SEC. 2. DEFINITIONS.
5	In this Act:
6	(1) Federal agency head.—The term "Fed-
7	eral agency head" means the head of any executive,
8	legislative, or judicial branch Government entity that
9	employs Federal law enforcement officers.
10	(2) FEDERAL BOARD.—The term "Federal
11	Board" means the Federal Law Enforcement Con-
12	gressional Badge of Bravery Board established
13	under section 103(a).
14	(3) Federal Board members.—The term
15	"Federal Board members" means the members of
16	the Federal Board appointed under section 103(c).
17	(4) Federal Law enforcement badge.—
18	The term "Federal Law Enforcement Badge" means
19	the Federal Law Enforcement Congressional Badge
20	of Bravery described in section 101.
21	(5) Federal Law enforcement officer.—
22	The term "Federal law enforcement officer"—
23	(A) means a Federal employee—
24	(i) who has statutory authority to
25	make arrests or apprehensions;

1	(ii) who is authorized by the agency of
2	the employee to carry firearms; and
3	(iii) whose duties are primarily—
4	(I) engagement in or supervision
5	of the prevention, detection, investiga-
6	tion, or prosecution of, or the incar-
7	ceration of any person for, any viola-
8	tion of law; or
9	(II) the protection of Federal,
10	State, local, or foreign government of-
11	ficials against threats to personal
12	safety; and
13	(B) includes a law enforcement officer em-
14	ployed by the Amtrak Police Department or
15	Federal Reserve.
16	(6) Office.—The term "Office" means the
17	Congressional Badge of Bravery Office established
18	under section 301(a).
19	(7) STATE AND LOCAL BOARD.—The term
20	"State and Local Board" means the State and Local
21	Law Enforcement Congressional Badge of Bravery
22	Board established under section 203(a).
23	(8) STATE AND LOCAL BOARD MEMBERS.—The
24	term "State and Local Board members" means the

1	members of the State and Local Board appointed
2	under section 203(c).
3	(9) State and local law enforcement
4	BADGE.—The term "State and Local Law Enforce-
5	ment Badge" means the State and Local Law En-
6	forcement Congressional Badge of Bravery described
7	in section 201.
8	(10) STATE OR LOCAL AGENCY HEAD.—The
9	term "State or local agency head" means the head
10	of any executive, legislative, or judicial branch entity
11	of a State or local government that employs State or
12	local law enforcement officers.
13	(11) State or local law enforcement of-
14	FICER.—The term "State or local law enforcement
15	officer" means an employee of a State or local gov-
16	ernment—
17	(A) who has statutory authority to make
18	arrests or apprehensions;
19	(B) who is authorized by the agency of the
20	employee to carry firearms; and
21	(C) whose duties are primarily—
22	(i) engagement in or supervision of
23	the prevention, detection, investigation, or
24	prosecution of, or the incarceration of any
25	person for, any violation of law; or

1	(ii) the protection of Federal, State,
2	local, or foreign government officials
3	against threats to personal safety.
4	TITLE I—FEDERAL LAW EN-
5	FORCEMENT CONGRES-
6	SIONAL BADGE OF BRAVERY
7	SEC. 101. AUTHORIZATION OF A BADGE.
8	The Attorney General may award, and a Member of
9	Congress or the Attorney General may present, in the
10	name of Congress a Federal Law Enforcement Congres-
11	sional Badge of Bravery to a Federal law enforcement offi-
12	cer who is cited by the Attorney General, upon the rec-
13	ommendation of the Federal Board, for performing an act
14	of bravery while in the line of duty.
15	SEC. 102. NOMINATIONS.
16	(a) In General.—A Federal agency head may nomi-
17	nate for a Federal Law Enforcement Badge an indi-
18	vidual—
19	(1) who is a Federal law enforcement officer
20	working within the agency of the Federal agency
21	head making the nomination; and
22	(2) who—
23	(A)(i) sustained a physical injury while—
24	(I) engaged in the lawful duties
25	of the individual; and

1	(II) performing an act character-
2	ized as bravery by the Federal agency
3	head making the nomination; and
4	(ii) put the individual at personal risk
5	when the injury described in clause (i) oc-
6	curred; or
7	(B) while not injured, performed an act
8	characterized as bravery by the Federal agency
9	head making the nomination that placed the in-
10	dividual at risk of serious physical injury or
11	death.
12	(b) Contents.—A nomination under subsection (a)
13	shall include—
14	(1) a written narrative, of not more than 2
15	pages, describing the circumstances under which the
16	nominee performed the act of bravery described in
17	subsection (a) and how the circumstances meet the
18	criteria described in such subsection;
19	(2) the full name of the nominee;
20	(3) the home mailing address of the nominee;
21	(4) the agency in which the nominee served on
22	the date when such nominee performed the act of
23	bravery described in subsection (a);
24	(5) the occupational title and grade or rank of
25	the nominee;

1	(6) the field office address of the nominee or
2	the date when such nominee performed the act of
3	bravery described in subsection (a); and
4	(7) the number of years of Government services
5	by the nominee as of the date when such nominee
6	performed the act of bravery described in subsection
7	(a).
8	(c) Submission Deadline.—A Federal agency head
9	shall submit each nomination under subsection (a) to the
10	Office not later than February 15 of the year following
11	the date on which the nominee performed the act of brav-
12	ery described in subsection (a).
13	SEC. 103. FEDERAL LAW ENFORCEMENT CONGRESSIONAL
14	BADGE OF BRAVERY BOARD.
15	(a) Establishment.—There is established within
16	the Department of Justice a Federal Law Enforcement
17	Congressional Badge of Bravery Board.
18	(b) Duties.—The Federal Board shall do the fol-
19	lowing:
20	(1) Design the Federal Law Enforcement
21	Badge with appropriate ribbons and appurtenances
22	(2) Select an engraver to produce each Federal
23	Law Enforcement Badge.

1	(3) Recommend recipients of the Federal Law
2	Enforcement Badge from among those nominations
3	timely submitted to the Office.
4	(4) Annually present to the Attorney General
5	the names of Federal law enforcement officers who
6	the Federal Board recommends as Federal Law En-
7	forcement Badge recipients in accordance with the
8	criteria described in section 102(a).
9	(5) After approval by the Attorney General—
10	(A) procure the Federal Law Enforcement
11	Badges from the engraver selected under para-
12	graph (2);
13	(B) send a letter announcing the award of
14	each Federal Law Enforcement Badge to the
15	Federal agency head who nominated the recipi-
16	ent of such Federal Law Enforcement Badge;
17	(C) send a letter to each Member of Con-
18	gress representing the congressional district
19	where the recipient of each Federal Law En-
20	forcement Badge resides to offer such Member
21	an opportunity to present such Federal Law
22	Enforcement Badge; and
23	(D) make or facilitate arrangements for
24	presenting each Federal Law Enforcement

Badge in accordance with section 104.

1	(6) Set an annual timetable for fulfilling the
2	duties described in this subsection.
3	(c) Membership.—
4	(1) Number and appointment.—The Federal
5	Board shall be composed of 7 members appointed as
6	follows:
7	(A) One member jointly appointed by the
8	majority leader and minority leader of the Sen-
9	ate.
10	(B) One member jointly appointed by the
11	Speaker and minority leader of the House of
12	Representatives.
13	(C) One member from the Department of
14	Justice appointed by the Attorney General.
15	(D) Two members of the Federal Law En-
16	forcement Officers Association appointed by the
17	Executive Board of the Federal Law Enforce-
18	ment Officers Association.
19	(E) Two members of the Fraternal Order
20	of Police appointed by the Executive Board of
21	the Fraternal Order of Police.
22	(2) Limitation.—Not more than—
23	(A) 2 Federal Board members may be
24	members of the Federal Law Enforcement Offi-
25	cers Association; and

- 1 (B) 2 Federal Board members may be 2 members of the Fraternal Order of Police.
- (3) QUALIFICATIONS.—Federal Board members
 shall be individuals with knowledge or expertise,
 whether by experience or training, in the field of
 Federal law enforcement.
 - (4) TERMS AND VACANCIES.—Each Federal Board member shall be appointed for 2 years and may be reappointed. A vacancy in the Federal Board shall not affect the powers of the Federal Board and shall be filled in the same manner as the original appointment.

(d) Operations.—

- (1) Chairperson.—The Chairperson of the Federal Board shall be a Federal Board member elected by a majority of the Federal Board.
- (2) MEETINGS.—The Federal Board shall conduct its first meeting not later than 90 days after the appointment of a majority of Federal Board members. Thereafter, the Federal Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.
- 24 (3) VOTING AND RULES.—A majority of Fed-25 eral Board members shall constitute a quorum to

conduct business, but the Federal Board may establish a lesser quorum for conducting hearings scheduled by the Federal Board. The Federal Board may establish by majority vote any other rules for the conduct of the business of the Federal Board, if such rules are not inconsistent with this title or other applicable law.

(e) Powers.—

(1) Hearings.—

- (A) IN GENERAL.—The Federal Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the Federal Board considers appropriate to carry out the duties of the Federal Board under this title. The Federal Board may administer oaths or affirmations to witnesses appearing before it.
- (B) WITNESS EXPENSES.—Witnesses requested to appear before the Federal Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Federal Board.

1	(2) Information from federal agencies.—
2	Subject to sections 552, 552a, and 552b of title 5,
3	United States Code—
4	(A) the Federal Board may secure directly
5	from any Federal department or agency infor-
6	mation necessary to enable it to carry out this
7	title; and
8	(B) upon request of the Federal Board,
9	the head of that department or agency shall
10	furnish the information to the Federal Board.
11	(3) Information to be kept confiden-
12	TIAL.—The Federal Board shall not disclose any in-
13	formation which may compromise an ongoing law
14	enforcement investigation or is otherwise required by
15	law to be kept confidential.
16	(f) Compensation.—
17	(1) In general.—Except as provided in para-
18	graph (2), each Federal Board member shall be
19	compensated at a rate equal to the daily equivalent
20	of the annual rate of basic pay prescribed for level
21	IV of the Executive Schedule under section 5315 of
22	title 5, United States Code, for each day (including
23	travel time) during which such Federal Board mem-

ber is engaged in the performance of the duties of

the Federal Board.

24

- 1 (2) Prohibition of compensation for gov2 Ernment employees.—Federal Board members
 3 who serve as officers or employees of the Federal
 4 Government or a State or a local government may
 5 not receive additional pay, allowances, or benefits by
 6 reason of their service on the Federal Board.
- 7 (3) TRAVEL EXPENSES.—Each Federal Board 8 member shall receive travel expenses, including per 9 diem in lieu of subsistence, in accordance with appli-10 cable provisions under subchapter I of chapter 57 of 11 title 5, United States Code.

12 SEC. 104. PRESENTATION OF FEDERAL LAW ENFORCEMENT

- 13 BADGES.
- 14 (a) Presentation by Member of Congress.—A
- 15 Member of Congress may present a Federal Law Enforce-
- 16 ment Badge to any Federal Law Enforcement Badge re-
- 17 cipient who resides in such Member's congressional dis-
- 18 trict. If both a Senator and Representative choose to
- 19 present a Federal Law Enforcement Badge, such Senator
- 20 and Representative shall make a joint presentation.
- 21 (b) Presentation by Attorney General.—If no
- 22 Member of Congress chooses to present the Federal Law
- 23 Enforcement Badge as described in subsection (a), the At-
- 24 torney General, or a designee of the Attorney General,
- 25 shall present such Federal Law Enforcement Badge.

- 1 (c) Presentation Arrangements.—The office of
- 2 the Member of Congress presenting each Federal Law En-
- 3 forcement Badge may make arrangements for the presen-
- 4 tation of such Federal Law Enforcement Badge, and if
- 5 a Senator and Representative choose to participate jointly
- 6 as described in subsection (a), the Members shall make
- 7 joint arrangements. The Federal Board shall facilitate any
- 8 such presentation arrangements as requested by the con-
- 9 gressional office presenting the Federal Law Enforcement
- 10 Badge and shall make arrangements in cases not under-
- 11 taken by Members of Congress.
- 12 TITLE II—STATE AND LOCAL
- 13 LAW ENFORCEMENT CON-
- 14 GRESSIONAL BADGE OF
- 15 **BRAVERY**
- 16 SEC. 201. AUTHORIZATION OF A BADGE.
- 17 The Attorney General may award, and a Member of
- 18 Congress or the Attorney General may present, in the
- 19 name of Congress a State and Local Law Enforcement
- 20 Congressional Badge of Bravery to a State or local law
- 21 enforcement officer who is cited by the Attorney General,
- 22 upon the recommendation of the State and Local Board,
- 23 for performing an act of bravery while in the line of duty.

1 SEC. 202. NOMINATIONS.

2	(a) In General.—A State or local agency head may
3	nominate for a State and Local Law Enforcement Badge
4	an individual—
5	(1) who is a State or local law enforcement offi-
6	cer working within the agency of the State or local
7	agency head making the nomination; and
8	(2) who—
9	(A)(i) sustained a physical injury while—
10	(I) engaged in the lawful duties
11	of the individual; and
12	(II) performing an act character-
13	ized as bravery by the State or local
14	agency head making the nomination
15	and
16	(ii) put the individual at personal risk
17	when the injury described in clause (i) oc-
18	curred; or
19	(B) while not injured, performed an act
20	characterized as bravery by the State or local
21	agency head making the nomination that placed
22	the individual at risk of serious physical injury
23	or death.
24	(b) Contents.—A nomination under subsection (a)
25	shall include—

1 (1) a written narrative, of not more than 2 2 pages, describing the circumstances under which the 3 nominee performed the act of bravery described in 4 subsection (a) and how the circumstances meet the 5 criteria described in such subsection; 6 (2) the full name of the nominee; 7 (3) the home mailing address of the nominee; 8 (4) the agency in which the nominee served on 9 the date when such nominee performed the act of 10 bravery described in subsection (a); 11 (5) the occupational title and grade or rank of 12 the nominee; 13 (6) the field office address of the nominee on 14 the date when such nominee performed the act of 15 bravery described in subsection (a); and 16 (7) the number of years of government service 17 by the nominee as of the date when such nominee 18 performed the act of bravery described in subsection 19 (a). 20 (c) Submission Deadline.—A State or local agency 21 head shall submit each nomination under subsection (a) to the Office not later than February 15 of the year following the date on which the nominee performed the act

of bravery described in subsection (a).

1	SEC. 203. STATE AND LOCAL LAW ENFORCEMENT CON-
2	GRESSIONAL BADGE OF BRAVERY BOARD.
3	(a) Establishment.—There is established within
4	the Department of Justice a State and Local Law En-
5	forcement Congressional Badge of Bravery Board.
6	(b) Duties.—The State and Local Board shall do
7	the following:
8	(1) Design the State and Local Law Enforce-
9	ment Badge with appropriate ribbons and appur-
10	tenances.
11	(2) Select an engraver to produce each State
12	and Local Law Enforcement Badge.
13	(3) Recommend recipients of the State and
14	Local Law Enforcement Badge from among those
15	nominations timely submitted to the Office.
16	(4) Annually present to the Attorney General
17	the names of State or local law enforcement officers
18	who the State and Local Board recommends as
19	State and Local Law Enforcement Badge recipients
20	in accordance with the criteria described in section
21	202(a).
22	(5) After approval by the Attorney General—
23	(A) procure the State and Local Law En-
24	forcement Badges from the engraver selected
25	under paragraph (2);

1	(B) send a letter announcing the award of
2	each State and Local Law Enforcement Badge
3	to the State or local agency head who nomi-
4	nated the recipient of such State and Local
5	Law Enforcement Badge;
6	(C) send a letter to each Member of Con-
7	gress representing the congressional district
8	where the recipient of each State and Local
9	Law Enforcement Badge resides to offer such
10	Member an opportunity to present such State
11	and Local Law Enforcement Badge; and
12	(D) make or facilitate arrangements for
13	presenting each State and Local Law Enforce-
14	ment Badge in accordance with section 204.
15	(6) Set an annual timetable for fulfilling the
16	duties described in this subsection.
17	(c) Membership.—
18	(1) Number and appointment.—The State
19	and Local Board shall be composed of 9 members
20	appointed as follows:
21	(A) One member jointly appointed by the
22	majority leader and minority leader of the Sen-
23	ate.

1	(B) One member jointly appointed by the
2	Speaker and minority leader of the House of
3	Representatives.
4	(C) One member from the Department of
5	Justice appointed by the Attorney General.
6	(D) Two members of the Fraternal Order
7	of Police appointed by the Executive Board of
8	the Fraternal Order of Police.
9	(E) One member of the National Associa-
10	tion of Police Organizations appointed by the
11	Executive Board of the National Association of
12	Police Organizations.
13	(F) One member of the National Organiza-
14	tion of Black Law Enforcement Executives ap-
15	pointed by the Executive Board of the National
16	Organization of Black Law Enforcement Execu-
17	tives.
18	(G) One member of the International Asso-
19	ciation of Chiefs of Police appointed by the
20	Board of Officers of the International Associa-
21	tion of Chiefs of Police.
22	(H) One member of the National Sheriffs'
23	Association appointed by the Executive Com-
24	mittee of the National Sheriffs' Association.

- 1 (2) LIMITATION.—Not more than 5 State and 2 Local Board members may be members of the Fra-3 ternal Order of Police.
 - (3) QUALIFICATIONS.—State and Local Board members shall be individuals with knowledge or expertise, whether by experience or training, in the field of State and local law enforcement.
 - (4) TERMS AND VACANCIES.—Each State and Local Board member shall be appointed for 2 years and may be reappointed. A vacancy in the State and Local Board shall not affect the powers of the State and Local Board and shall be filled in the same manner as the original appointment.

(d) Operations.—

- (1) CHAIRPERSON.—The Chairperson of the State and Local Board shall be a State and Local Board member elected by a majority of the State and Local Board.
- (2) MEETINGS.—The State and Local Board shall conduct its first meeting not later than 90 days after the appointment of a majority of State and Local Board members. Thereafter, the State and Local Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.

(3) Voting and Rules.—A majority of State and Local Board members shall constitute a quorum to conduct business, but the State and Local Board may establish a lesser quorum for conducting hearings scheduled by the State and Local Board. The State and Local Board may establish by majority vote any other rules for the conduct of the business of the State and Local Board, if such rules are not inconsistent with this title or other applicable law.

(e) Powers.—

(1) Hearings.—

- (A) In GENERAL.—The State and Local Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the State and Local Board considers appropriate to carry out the duties of the State and Local Board under this title. The State and Local Board may administer oaths or affirmations to witnesses appearing before it.
- (B) WITNESS EXPENSES.—Witnesses requested to appear before the State and Local Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from

1	funds appropriated to the State and Local
2	Board.
3	(2) Information from federal agencies.—
4	Subject to sections 552, 552a, and 552b of title 5,
5	United States Code—
6	(A) the State and Local Board may secure
7	directly from any Federal department or agency
8	information necessary to enable it to carry out
9	this title; and
10	(B) upon request of the State and Local
11	Board, the head of that department or agency
12	shall furnish the information to the State and
13	Local Board.
14	(3) Information to be kept confiden-
15	TIAL.—The State and Local Board shall not disclose
16	any information which may compromise an ongoing
17	law enforcement investigation or is otherwise re-
18	quired by law to be kept confidential.
19	(f) Compensation.—
20	(1) In general.—Except as provided in para-
21	graph (2), each State and Local Board member shall
22	be compensated at a rate equal to the daily equiva-
23	lent of the annual rate of basic pay prescribed for
24	level IV of the Executive Schedule under section
25	5315 of title 5, United States Code, for each day

- (including travel time) during which such State and
 Local Board member is engaged in the performance
 of the duties of the State and Local Board.
- 4 (2) PROHIBITION OF COMPENSATION FOR GOV5 ERNMENT EMPLOYEES.—State and Local Board
 6 members who serve as officers or employees of the
 7 Federal Government or a State or a local govern8 ment may not receive additional pay, allowances, or
 9 benefits by reason of their service on the State and
 10 Local Board.
- 11 (3) TRAVEL EXPENSES.—Each State and Local
 12 Board member shall receive travel expenses, includ13 ing per diem in lieu of subsistence, in accordance
 14 with applicable provisions under subchapter I of
 15 chapter 57 of title 5, United States Code.

16 SEC. 204. PRESENTATION OF STATE AND LOCAL LAW EN-

(a) Presentation by Member of Congress.—A

- 19 Member of Congress may present a State and Local Law 20 Enforcement Badge to any State and Local Law Enforce-21 ment Badge recipient who resides in such Member's con-22 gressional district. If both a Senator and Representative
- 23 choose to present a State and Local Law Enforcement
- 24 Badge, such Senator and Representative shall make a
- 25 joint presentation.

- 1 (b) Presentation by Attorney General.—If no
- 2 Member of Congress chooses to present the State and
- 3 Local Law Enforcement Badge as described in subsection
- 4 (a), the Attorney General, or a designee of the Attorney
- 5 General, shall present such State and Local Law Enforce-
- 6 ment Badge.
- 7 (c) Presentation Arrangements.—The office of
- 8 the Member of Congress presenting each State and Local
- 9 Law Enforcement Badge may make arrangements for the
- 10 presentation of such State and Local Law Enforcement
- 11 Badge, and if a Senator and Representative choose to par-
- 12 ticipate jointly as described in subsection (a), the Members
- 13 shall make joint arrangements. The State and Local
- 14 Board shall facilitate any such presentation arrangements
- 15 as requested by the congressional office presenting the
- 16 State and Local Law Enforcement Badge and shall make
- 17 arrangements in cases not undertaken by Members of
- 18 Congress.

19 TITLE III—CONGRESSIONAL

20 BADGE OF BRAVERY OFFICE

- 21 SEC. 301. CONGRESSIONAL BADGE OF BRAVERY OFFICE.
- 22 (a) Establishment.—There is established within
- 23 the Department of Justice a Congressional Badge of Brav-
- 24 ery Office.
- 25 (b) Duties.—The Office shall—

1	(1) receive nominations from Federal agency
2	heads on behalf of the Federal Board and deliver
3	such nominations to the Federal Board at Federal
4	Board meetings described in section 103(d)(2);
5	(2) receive nominations from State or local
6	agency heads on behalf of the State and Local
7	Board and deliver such nominations to the State and
8	Local Board at State and Local Board meetings de-
9	scribed in section 203(d)(2); and
10	(3) provide staff support to the Federal Board
11	and the State and Local Board to carry out the du-
12	ties described in section 103(b) and section 203(b),
13	respectively.
	Passed the Senate June 26, 2008.
	Attest:

Secretary.

110_{TH} CONGRESS S. 2565

AN ACT

To establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.